

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS

No. 6:16-cv-01206

Gregory Dewayne Tennyson,
Plaintiff,

v.

Bruce Hatton et al.,
Defendants.

ORDER

Plaintiff Gregory Tennyson filed this civil rights lawsuit pursuant to 42 U.S.C. § 1983 complaining of alleged violations of his constitutional rights. The case was referred to Untied States Magistrate Judge K. Nicole Mitchell pursuant to 28 U.S.C. § 636(b).

Having conducted a proceeding in the form and manner prescribed by 28 U.S.C. § 636(b)(1) and (3), the magistrate judge recommended that the lawsuit be dismissed. Plaintiff filed a document styled as a notice of appeal, which was erroneously denoted as objections on the docket sheet. Doc. 193. This filing did not contain any substantive objections to the magistrate judge's recommendation. *See id.* Therefore, no timely objections to the magistrate judge's recommendation has been filed. *See Douglass v. United States Servs. Auto. Ass'n*, 79 F.3d 1415, 1420 (5th Cir. 1996) (en banc).

Having reviewed the magistrate judge's report, and being satisfied that it contains no clear error, the court **accepts** its findings and recommendation. The motions for summary judgment of defendants Bryce Hatton (Doc. 172) and Clayton Taylor (Doc. 174) are **granted**. The court **orders** that the above styled civil action is **dismissed with prejudice** as to all of plaintiff's claims except for his state law claims against Sheriff Larry Smith and the Smith County Sheriff's Department. These claims are dismissed with prejudice as to their being

refiled in federal court, but without prejudice to the plaintiff's right to proceed on these claims in state court. The statute of limitations on these state law claims is **suspended** for 30 days following the entry of final judgment. Any motions that may be pending in this civil action are hereby **denied**.

So ordered by the court on February 9, 2021.



J. CAMPBELL BARKER
United States District Judge